



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

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**STATE WATER CONTROL BOARD  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
AMELIA ENTERPRISES, INC.**

**FOR  
COUNTRY QUICK STOP (Facility ID No. 4039618) & GET N GO (Facility  
ID No. 4023056)**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Amelia Enterprises, Inc., for the purpose of resolving certain violations of the State Water Control Law and the applicable regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Amelia Enterprises" means Amelia Enterprises, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Amelia Enterprises is a "person" who owns and operates the Facility.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facilities" means the following physical locations where the UST and/or UST system is installed and/or operated:
  - a. "CQS" means the physical location where the UST and/or UST system is installed and/or operated, known as Country Quick Stop located at 7730 Military Road in Amelia County, Virginia. CQS's UST and/or UST system are owned and operated by Amelia Enterprises, Inc. and the Facility is further identified by UST Facility ID# 4039618.
  - b. "GNG" means the physical location where the UST and/or UST system is installed and/or operated, known as Get N Go located at 9024 Woodman Road in Henrico County, Virginia. GNG's UST and/or UST system are owned and operated by Amelia Enterprises, Inc. and the Facility is further identified by UST Facility ID# 4023056.
6. "Financial Responsibility" means the ability to demonstrate that one has the financial resources available to pay for the costs of containment and cleanup and third party lawsuits in the event of a release from an UST or UST system in accordance with 9 VAC 25-590-40, -50.
7. "Form 7530-2" means the Notification for Underground Storage Tanks form used by DEQ to register and track USTs for proper operation, closure and ownership, in accordance with 9 VAC 25-580-70.
8. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
9. "Operator" means any person in control of, or having responsibility for, the daily operation of the UST system as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
10. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
11. "Owner" means any person who owns an UST system used for storage, use, or dispensing of regulated substances as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
12. "Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, any state or agency thereof, municipality, county, town, commission, political subdivision of a state, any interstate body, consortium, joint venture, commercial entity, the government of the United States or any unit or agency thereof.

13. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
14. "Regulated Substance" means an element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health or welfare, or the environment, as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
15. "Regulations" means the Underground Storage Tanks: Technical Standards and Corrective Action Requirements, 9 VAC 25-580-10 *et seq.*, and the Petroleum Underground Storage Tank Financial Responsibility Requirements, 9 VAC 25-590-10 *et seq.*
16. "Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.
17. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code. Article 9 (Va. Code §§ 62.1-44.34:8 through 62.1-44.34:9) of the State Water Control Law addresses Storage Tanks.
18. "Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
19. "Va. Code" means the Code of Virginia (1950), as amended.
20. "VAC" means the Virginia Administrative Code.
21. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

#### **SECTION C: Findings of Fact and Conclusions of Law**

1. Amelia Enterprises is the owner and operator of CQS and GNG (collectively the "Facilities"). Amelia Enterprises stores a regulated substance in the form of gasoline and kerosene in USTs at the Facilities.
2. At all times relevant to this Order, there were two USTs at CQS: one 12,000 gallon gasoline UST ("T #1C"); and one 8,000 gallon gasoline UST ("T #2C").
3. At all times relevant to this Order, there were three USTs at GNG: one 6,000 gallon gasoline UST; one 10,000 gallon diesel UST; and one 4,000 gallon kerosene UST.

### **Violations Common to the CQS and GNG Facilities**

4. On June 1, 2017, Department staff from the Office of Financial Responsibility and Waste Programs conducted a file review to evaluate Amelia Enterprises' compliance with the requirements of the State Water Control Law and the Regulations. DEQ staff observed the following:
  - a. Financial responsibility had not been demonstrated based on review of the current documentation on file with DEQ.
5. 9 VAC 25-590-40(A) requires that owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks.
6. 9 VAC 25-590-50 requires that an owner or operator demonstrate financial responsibility using either self-insurance under limited circumstances or a combination of mechanisms listed in 9 VAC 25-590-60 through -110.
7. On June 1, 2017 the Department emailed an inquiry to Amelia Enterprises noting that their storage tank liability insurance had not been renewed and requesting information regarding what financial responsibility mechanism would be used to replace the policy. The Department sent a Warning Letter on May 21, 2019 (WL No. 19-05-CO-016) for the violation listed in Paragraph 4(a) above. In June of 2019, Amelia Enterprises notified the Department that it was attempting to obtain a financial assurance mechanism through its bank. In December of 2020, the Department received the appropriate financial assurance documentation and the violation in Paragraph 4 above was corrected.

### **Violations at the CQS Facility**

8. On July 31, 2018, Department staff from PRO's Petroleum Program inspected the CQS to evaluate Amelia Enterprises' compliance with the requirements of the State Water Control Law and the Regulations. DEQ staff sent a Request for Compliance Activity on August 1, 2018. DEQ staff followed-up by phone on August 28, 2019. On November 6, 2019, the Department issued a Notice of Violation No. TPRO252656. Amelia Enterprises failed to respond to the NOV.
9. On May 22, 2020, Department staff spoke with Asghar Ali ("Mr. Ali"), who stated that he is the operator for CQS. Department staff then coordinated with Mr. Ali to re-inspect CQS to determine the current compliance status of the Facility. A formal UST inspection was conducted on June 9, 2020 ("2020 Inspection"). DEQ staff observed the following:
  - a. Tank release detection records for Tanks #1C and #2C were not provided.
  - b. Class C Operator training documentation was not provided.



- c. Emergency response procedures were not provided.
10. Due to the enforcement action pending at the time of the 2020 Inspection, the deficiencies listed in Paragraph 9(a)-(c) above were immediately referred to enforcement and made part of the pending action.
11. On July 21, 2020, Mr. Ali provided passing tank release detection records for Tanks #1C and #2C conducted monthly from June 2019 through May 2020 by the Facility's automatic tank gauging system.
12. 9 VAC 25-580-125(F) requires that "1. Owners and operators of underground storage tank facilities shall prepare and maintain a list of designated Class A, Class B, and Class C operators. The list shall represent the current Class A, Class B, and Class C operators for the UST facility and shall include: a. The name of each operator, class of operation trained for, and the date each operator successfully completed initial training and refresher training, if any. b. For Class A and Class B operators that are not permanently onsite or assigned to more than one facility, telephone numbers to contact the operators. 2. A copy of the certificates of training for Class A and Class B operators shall be on file as long as each operator serves in that capacity at the facility or three years, whichever is longer, and readily available, and a copy of the facility list of Class A, Class B, and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for manned UST facilities and readily available for unmanned facilities."
13. 9 VAC 25-580-120.2.h. requires owners and operators to maintain "[d]ocumentation of operator training required by 9VAC25-580-125, including verification of training for current Class A, Class B, and Class C operators, and current list of operators and written instructions or procedures for Class C operators (9VAC25-580-125)." 9 VAC 25-580-120.3 requires that such records must be kept either "[a]t the UST site and immediately available for inspection by the board; or . . . [a]t a readily available alternative site and be provided for inspection to the board upon request."
14. 9 VAC 25-580-125(B)(4) requires that "[a]fter September 15, 2010, written instructions or procedures shall be maintained and visible at [manned or unmanned] UST facilities for persons performing duties of the Class C operator to follow and to provide notification necessary in the event of emergency conditions."
15. On September 10, 2020 Department staff met by phone with Mr. Ali to discuss the violations, including Amelia Enterprises' responses and compliance efforts. Mr. Ali stated that he recently trained his Class C Operators and put together a list of those operators, but that he was not previously aware of the annual training requirement. He stated that he would provide a list of designated operators for CQS. Mr. Ali and DEQ staff also discussed how Amelia Enterprises may meet its financial responsibility requirements. Mr. Ali subsequently provided a list of designated operators, Class C training documentation, and emergency procedures, thereby correcting the remaining violations in Paragraphs 9(b)-(c) above.

16. Based on the foregoing, the Board concludes that Amelia Enterprises has violated 9 VAC 25-580-125(F), 9 VAC 25-580-125(B)(4), 9 VAC 25-580-120.2.h., 9 VAC 25-590-40(A) and 9 VAC 25-590-50 as described in the above paragraphs.

17. As of the date of this Order, no further corrective action is required.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Amelia Enterprises and Amelia Enterprises agrees to:

1. Pay a civil charge of \$4,162.81 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Amelia Enterprises shall include its Federal Employer Identification Number (FEIN) [(xx-xxxxxxx)] with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Petroleum Storage Tank Fund (VPSTF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Amelia Enterprises shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of Amelia Enterprises for good cause shown by Amelia Enterprises, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Amelia Enterprises admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Amelia Enterprises consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Amelia Enterprises declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Amelia Enterprises to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Amelia Enterprises shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Amelia Enterprises shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Amelia Enterprises shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Amelia Enterprises. Nevertheless, Amelia Enterprises agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after Amelia Enterprises has completed all of the requirements of the Order;
  - b. Amelia Enterprises petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Amelia Enterprises.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Amelia Enterprises from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Amelia Enterprises and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Amelia Enterprises certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind Amelia Enterprises to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Amelia Enterprises.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Amelia Enterprises voluntarily agrees to the issuance of this Order.

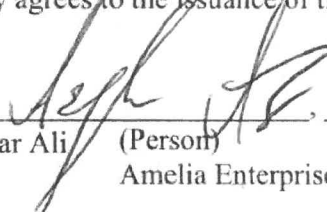


And it is so ORDERED this 15<sup>th</sup> day of March, 2020<sup>21</sup>.

  
James J. Golden, Regional Director  
Department of Environmental Quality

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Amelia Enterprises, Inc. voluntarily agrees to the issuance of this Order.

Date: 01/08/2021 By:  V. President  
Asghar Ali (Person) (Title)  
Amelia Enterprises, Inc.

Commonwealth of Virginia  
City/County of Henrico

The foregoing document was signed and acknowledged before me this 8 day of  
January, 2021, by Asghar Ali who is  
V. President of Amelia Enterprises, Inc., on behalf of the corporation.

  
Notary Public

7516087

Registration No.

My commission expires: Jan. 31, 2024

Notary seal:

